

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CORNING INCORPORATED and  
ARTIFICIAL SENSING INSTRUMENTS  
ASI AG,

Plaintiffs,

v.

SRU BIOSYSTEMS, LLC, SRU  
BIOSYSTEMS, INC., and SRU  
BIOSYSTEMS HOLDINGS, LLC,

Defendants.

Civil Action No. 04-MC-10108-GAO

[Subpoena for Case No. 03-663-JJF in  
the District of Delaware]

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
2004 JUL -3 P 4:35  
CLERK'S OFFICE

**CORNING INCORPORATED'S NOTICE OF ORDER AND MEMORANDUM  
ISSUED ON JULY 7, 2004 BY THE DELAWARE DISTRICT COURT**

Enclosed as Exhibits 1 and 2 please find an Order and Memorandum Opinion issued on July 7, 2004, by the Delaware District Court in the underlying action granting Corning's motion to compel SRU to produce documents related to Becton Dickinson's offer to purchase SRU. During the May 12, 2004 oral argument on Corning's Petition to Enforce its subpoena against Becton Dickinson, this Court indicated that it believed this motion pending in Delaware was relevant to the issues before it and requested that copies of the motion papers be provided to the Court. This was done on May 13, 2004. The Delaware Court's granting of Corning's Motion is an express indication that the Delaware Court believes that documents related to Becton Dickinson's bid for SRU are relevant to the issues in the case. Accordingly, Corning respectfully renews its request that this Court order Becton Dickinson to produce the documents sought by Corning's subpoena as the documents have been determined to be relevant to the case and only this Court can provide the relief Corning seeks with respect to the documents that are not in SRU's possession and, thus, not subject to the Delaware Court's order.

Respectfully submitted,

Date: July 8, 2004

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing CORNING INCORPORATED'S NOTICE OF ORDER AND MEMORANDUM ISSUED ON JULY 7, 2004 BY THE DELAWARE DISTRICT COURT to be served upon counsel for Discovery Labware, a division of Becton Dickinson and Company, and Defendants on July 8, 2004 in the manner indicated below:

By First Class Mail:

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Kevin M. Littman (case)  
Kevin M. Littman